

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA**

Wyoming Intellectual Property Holdings
LLC,

Plaintiff,

v.

Trackman Incorporated,

Defendant.

No. CV-23-02518-PHX-JJT

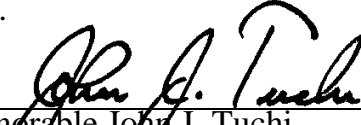
ORDER

The Court has reviewed and considered Plaintiff's Response to the Order to Show Cause (Doc. 22, "Resp. OSC"). Plaintiff's refusal to amend the Complaint after conferral with Defendant did in fact result in the expenditure of Defendant's resources to file the Motion to Dismiss, only to result in Plaintiff doing what it had previously refused to do. And it resulted in the diversion of the Court's scarce time and attention, up to and including issuing the instant Order. As the Court noted in its Order to Show Cause ("OSC") (Doc. 20), the circumstance brought to bear here is precisely why the Court requires parties to confer in good faith before the filing of a motion to dismiss. Counsel's assertions notwithstanding, the Court easily could conclude what happened here justifies sanctioning Plaintiff at least to offset Defendant's costs in drafting and filing its Motion to Dismiss. The Court will not do so here, but Plaintiff has used its "Mulligan." The parties shall move forward with an understanding that the Court expects them—and counsel—to follow painstakingly the Local Rules of Practice for the District of Arizona and the Court's Orders,

1 all of which are intended to maximize efficiency, reduce delay and waste of time or
2 treasure—the parties’ and the Court’s—and to drive adherence to tenets of professionalism.

3 **IT IS ORDERED** discharging the Order to Show Cause (Doc. 20).

4 Dated this 23rd day of April, 2024.

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7 Honorable John J. Tuchi
8 United States District Judge
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